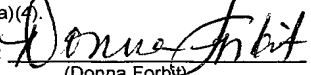


Appeal Brief	
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Dated: April 4, 2011	Signature:  (Donna Forbit)

Docket No.: 61135/P023US/10303235
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Craig Ogg

Application No.: 10/679,861

Confirmation No.: 3194

Filed: October 6, 2003

Art Unit: 3628

For: **SYSTEM AND METHOD FOR
CONTROLLING POSTAGE USAGE
INDEPENDENT OF METER BALANCE**

Examiner: A. K. Robinson-Boyce

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under 37 C.F.R. § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on February 2, 2011, and is in furtherance of said Notice of Appeal.

The fees required under 37 C.F.R. § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1206:

- | | |
|-------|---|
| I. | Real Party In Interest |
| II | Related Appeals and Interferences |
| III. | Status of Claims |
| IV. | Status of Amendments |
| V. | Summary of Claimed Subject Matter |
| VI. | Grounds of Rejection to be Reviewed on Appeal |
| VII. | Argument |
| VIII. | Claims Appendix |
| IX. | Evidence Appendix |

X. Related Proceedings Appendix

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Stamps.com Inc.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 33 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 1, 8, 14, 23-28
2. Claims withdrawn from consideration but not canceled: 0
3. Claims pending: 2-7, 9-13, 15-22, 29-42
4. Claims allowed: 0
5. Claims rejected: 2-7, 9-13, 15-22, 29-42

C. Claims On Appeal

The claims on appeal are claims 2-7, 9-13, 15-22, 29-42

IV. STATUS OF AMENDMENTS

The claims filed in the Amendment After Final (filed February 2, 2011) were entered and are attached herein in Appendix A.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 15 is an example embodiment of an invention of the present application. In this example, a system for controlling postage usage. This system comprises at least two postage evidencing meters, and each meter has a processor and a communication module for providing a communication link between the at least two meters (paras. [0032] and [0035] of pg. 9). Further, each of the at least two meters store at least one postage usage meter parameter that defines meter usage limits for restricting password authenticated users' (para. [0007] of pg. 3 and [0035] of pg. 9) usage of the respective meter storing the meter parameter. Further still, at least one postage evidencing meter of the at least two postage evidencing meters stores at least one postage usage user parameter (para. [0011] of pg. 4) for each user of a plurality of users, and each of the user parameters define meter usage limits for a particular user associated with the user parameter (para. [0011] of pg. 4). Furthermore, at least one user parameter for at least one said particular user of the plurality of users is exchanged between the meters via the communication link (para. [0011] of pg. 4), and the processor of the meter receiving the user parameter controls an ability of the particular user associated with the user parameter to evidence postage using the receiving meter in accordance with the received user parameter and at least one of the meter parameters stored by the receiving meter (paras. [0032]-[0033] of pg. 9).

Claim 29 is another example embodiment of an invention of the present application. In this example, a method for controlling postage usage comprises separately storing at least one postage usage user parameter for each user of a plurality of users of a postage meter in a postage usage database (para. [0009] of pg. 3). These parameters establish separate postage evidencing limits for each user of said plurality of users (para. [0007] of pg. 3). Further, the method comprises storing at least one postage usage meter parameter that establishes postage evidencing limits for restricting an ability of all password authenticated users (para. [0007] of pg. 3 and para. [0027] of pg. 7) of said postage meter to evidence postage. Also, the method comprises receiving a request to evidence postage from a user of said plurality of users (para. [0029] of pg. 8). Further still, the method comprises (a) determining, based on the requesting user's user parameter, if sufficient postage is available to fulfill the request for the requesting user (para. [0029] of pg. 8] and (b) determining, based on at least one of said postage meter's meter parameters, if sufficient postage is available from an available postage balance of said

postage meter used for evidencing postage to fulfill the request for the requesting user (para. [0007] of pg. 3). If the (a) determining is affirmative and if the (b) determining is affirmative, then the method evidences a requested postage amount (para. [0029] of pg. 8). Moreover, the method comprises recording postage usage for the requesting user in the postage usage database; and deducting an amount of postage used to fulfill the request for the requesting user from the available postage balance (para. [0029] of pg. 8).

Claim 39 is yet another example embodiment of an invention of the present application. In this example, a system for postage evidencing operable by a plurality of users. This example system comprises at least one postage usage meter parameter that limits all password authenticated users' (para. [0007] of pg. 3 and para. [0027] of pg. 7) of the plurality of users ability to evidence postage using the meter. Further, the system comprises at least one postage usage user parameter corresponding to a particular user of said plurality of users that limits said particular user's ability to evidence postage using the meter (para. [0007] of pg. 3), wherein each respective particular user of said plurality of users corresponds to a respective user parameter(para. [0007] of pg. 3). In this example, the postage evidencing meter is operable to limit the particular user's ability to evidence postage using the meter in accordance with the at least one meter parameter and the said at least one user parameter (para. [0007] of pg. 3).

Claim 41 is still another example embodiment of an invention of the present application. In this example, a system for controlling postage usage comprises a postage evidencing meter and a postage information system communicatively coupled to the postage evidencing meter (para. [0010] of pgs. 3-4). In this example system, the postage information system includes a database for separately storing at least one postage usage user parameter for a user of a plurality of users of said postage evidencing meter (para. [0010] of pg. 4); a particular user parameter associated with a particular user establishes usage thresholds which limit an ability of the particular user to evidence postage using the meter (para. [0007] of pg. 3); each respective particular user is associated with a particular respective user parameter (paras. [0007] and [0009] of pg. 3). Moreover, according to this example system, the database also includes at least one postage usage meter parameter, wherein the meter parameter establishes usage thresholds for all users of said plurality of users (para. [0007] of pg. 3), and the postage evidencing meter is operable to access the database through a

communication module to limit the ability of said particular user of said plurality of users to evidence postage in accordance with the at least one associated particular user parameter and the at least one meter parameter (para. [0010] of pgs. 3-4).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Grounds I: Claims 2-7, 9, 15-18, 34, 35, 38, and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al., (US 5,742,683).

Grounds II: Claims 10, 11, 21, 29-33, 36, 37, and 40-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al., (US 5,742,683) and further in view of Liechti et al. (US 5,715,164).

Grounds III: Claims 12, 13, 19, 20, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al., (US 5,742,683) and further in view of Manduley, U.S. Publication No. (US 2004/0098354).

VII. ARGUMENT

Each of the claims are rejected as being obvious. The test for non-obvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art. The United States Supreme Court in *Graham v. John Deere and Co.*, 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art. As discussed further hereafter, Applicant respectfully asserts that the claims include non-obvious differences over the cited references. Thus, the rejections should be overturned because when considering the scope and content of the applied references there are significant differences between the applied combination and rejected claims, as the applied combination fails to disclose all elements of the rejected claims.

Applicant traverses each of the rejections. Claims which are argued separately stand or fall on its own. MPEP §1205.02(vii).

A. Grounds I

Claims 2-7, 9, 15-18, 34, 35, 38, and 39 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al., (US 5,742,683). Applicant traverses the rejections.

1. Independent claim 15

- a. The limitation “at least one user parameter for at least one said particular user of said plurality of users is exchanged between said meters via the communication link” is not obvious**

Claim 15 recites “at least one user parameter for at least one said particular user of said plurality of users is exchanged between said meters via the communication link” The Office Action cites to column 7, lines 41-43 and figure 8, of Lee, a teaching the limitation. Office Action at 8. However, the cited portions of Lee fail to make obvious the exchange of a user parameter between meters.

Column 7, lines 41-43, discusses that a meter owner may set limitations for users and that multiple users may share the same password. However, the lines do not teach that a user parameter is exchanged between meters.

Further, figure 8 shows multiple computers accessing a single meter (postage meter 10). However, figure 8 does not show a user parameter being exchanged between two postage meters.

As such, the relied upon reference fails to teach or make obvious “at least one user parameter for at least one said particular user of said plurality of users is exchanged between said meters via the communication link” Thus, the rejection should be overturned.

- b. The limitation “the processor of the meter receiving said user parameter controls an ability of the particular user associated with the user parameter to evidence postage using the receiving meter in accordance with the received user parameter and at least one of the meter parameters stored by the receiving meter” is not obvious**

Claim 15 also recites “the processor of the meter receiving said user parameter controls an ability of the particular user associated with the user parameter to evidence

postage using the receiving meter in accordance with the received user parameter” The Office Action cites Lee, column 3, lines 5-20, as teaching the limitation. Office Action at 8. However, this portion of Lee does not teach a meter controlling the user’s ability to evidence postage according to a user parameter **received from another meter**. Rather, and quite unrelated, the lines discuss a single meter having more than one operational mode. Col. 3, lns. 5-20.

As such, Lee fails to teach or make obvious “the processor of the meter receiving said user parameter controls an ability of the particular user associated with the user parameter to evidence postage using the receiving meter in accordance with the received user parameter” Thus, the rejection should be overturned.

c. The reference fails to teach the limitation “at least one postage usage meter parameter that defines meter usage limits for restricting password authenticated users’ usage of the respective meter storing the meter parameter”

Claim 15 recites “at least one postage usage meter parameter that defines meter usage limits for restricting password authenticated users’ usage of the respective meter storing the meter parameter” Under the broadest reasonable interpretation of the claim (MPEP § 2111), the limitation “meter usage limits for restricting **password authenticated** users’ usage of the respective meter” (emphasis added) indicates that the user’s password has already been authenticated before the meter parameter limits the user’s usage of the meter. As such, Lee does not teach or make obvious the claim’s meter parameter.

The Examiner points to Lee’s requirement that a password must be entered as teaching the meter parameter. See e.g. Office Action at 34-35 referring to page 33 *stating “the user’s ability is still restricted to move forward if the user does not present this password.”* However, the Examiner is missing the point. The claim assumes that the password has already been authenticated. Therefore, Lee’s password itself is not a meter parameter. Rather, the system of claim 15 requires an authenticated password and additionally a meter parameter. While Lee requires a password to be authenticated before a user can use the system, Lee does not teach or make obvious a meter parameter in addition to the user password. As such, Lee fails to teach “at least one postage usage meter parameter

that defines meter usage limits for restricting password authenticated users' usage of the respective meter storing the meter parameter”

The Examiner also discusses Lee's states (operational state vs. non-operational state) arguing that the states teach the limitation. Office Action at 34-36. However, the operational vs. non-operational state teachings of Lee, once again, merely shows that Lee requires a password to be authenticated before a user can use the system. Lee does not teach or make obvious a meter parameter in addition to the user password. As pointed out by the Examiner, Lee states that “the idle time of the vault is continuously monitored so that the vault can be placed in a non-operational state if the continuous idle time exceeds an idle time limit.” Col. 3, lns. 14-16. Lee explains the quoted passage with statements in column 6, lines 49-52, which teach that “if the vault is idle for a predetermined amount of time, the vault may log out automatically which requires the next use of the vault to be preceded by a valid user password entry.” As such, Lee's system operates as follows, a user logs into the system by entering a password, and if their password is valid (authenticated) the user can use the system. Then, if system is idle for too long (e.g. the user walked away forgetting to log out), then the system automatically logs the user out, and as such, the password loses its authentication. Thus, before user can use the system again, the user must have their password authenticated again. As such, while Lee requires a password to be authenticated before a user can use the system, Lee does not teach or make obvious a meter parameter in addition to the user password.

Furthermore, the idle time itself does not teach the meter parameter because exceeding the idle time causes the password to lose its authentication. Thus, **at the time** the idle time feature is preventing a user from using Lee's system, that user is not a password authenticated user. There is no meter parameter in Lee which limits a user, which is **at that time**, a password authenticated user. As such, Lee does not teach “at least one postage usage meter parameter that defines meter usage limits for restricting password authenticated users' usage of the respective meter storing the meter parameter”

Moreover, it would not be obvious to modify Lee such that the idle time feature limits a password authenticated user's ability to evidence postage because such a modification would render the idle time feature unsatisfactory for its intended purpose. It is well

established that modification cannot render the cited reference unsatisfactory for its intended purpose. MPEP §2143.01 (*citing* In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). As such, as shown in detail below, modifying the idle time feature such that it covers the claimed limitation “at least one postage usage meter parameter that defines meter usage limits for restricting password authenticated users’ usage of the respective meter storing the meter parameter ” is improper because the entire purpose of Lee’s idle time feature is to logout users (take away their password’s authentication).

As is well known, automatic time-out features (like the one disclosed in Lee) are used to logout a user who has left the system idle for an extended period of time. It is assumed that because the user has left the system idle for so long, the user has walked away having forgotten to logout. Thus, the idle time feature automatically logs out the user (takes away their password’s authentication) to prevent a different person from using the system fraudulently. Accordingly, the whole purpose of the idle time feature is to de-authenticate the user’s password. Therefore, it would not be obvious to modify the idle time feature of Lee such that it operates while the user is a password authenticated user because such a modification would defeat the entire purpose of the idle time feature (i.e. rendering the idle time feature unsatisfactory for its intended purpose). Accordingly, Lee does not make obvious claim 15’s “at least one postage usage meter parameter that defines meter usage limits for restricting password authenticated users’ usage of the respective meter storing the meter parameter”

Further, the password taught by Lee does not teach a postage usage meter parameter that **restricts** all password authenticated users. Specifically, when Lee ’s system is in state S3 (termed the non-operations state by the Office Action), the system’s user password system has been activated, but no password is currently entered (e.g. power down, log out, excessive idle time). Col. 7, lns. 10-16. If a user wishes to evidence postage, a user simply inputs a valid password and receives access to the vault according to his privilege level. Fig. 7 at 100. Thus, the password of Lee does not prevent a valid user from evidencing postage. The password merely delays users by adding an extra step. Thus, Lee ’s password is distinct from the claimed meter parameter, because, in Lee , the user has the ability to move forward by inputting the password. In contrast, the claimed meter parameter **restricts** a user’s ability to move forward. As such, Lee fails to teach “at least one postage usage meter parameter that

defines meter usage limits for **restricting** password authenticated users' usage of the respective meter storing the meter parameter" (emphasis added).

As a side note, the Examiner states that Lee teaches "when in a non-operational state is enforced [sic] [due to the idle time being exceeded], the password authenticated users who would normally have access, even when they try to enter in their password, are restricted to evidencing postage." Office Action at 34. First, Applicant respectfully notes that this statement is incorrect. According to Lee, "if the vault is idle for a predetermined amount of time, the vault may log out automatically which requires the next use of the vault to be preceded by a valid user password entry." Col. 6, lns. 49-52. As such, the Examiner's statement is incorrect, because Lee explains that if the vault is in non-operational mode due to the idle time being exceeded, the user can use the vault if they simply input a valid password. Second, even if the Examiner's argument were accurate (which it is not), the argument asserts that even when a user tries to enter their password, the user is unable to evidence postage. Thus, this argument is off point because if the user is trying to enter their password (as suggested by the Examiner), the user is not a password authenticated user. Because the claim's limitation only applied to password authenticated users, the Examiner's argument misses the issue.

As such, the cited reference fails to teach or make obvious the limitation "at least one postage usage meter parameter, wherein said meter parameter limits all password authenticated users' of said plurality of users ability to evidence postage using the meter" Thus, Applicant requests the rejection be overturned.

2. Independent claim 39

- a. The limitation "at least one postage usage meter parameter, wherein said meter parameter limits all password authenticated users' of said plurality of users ability to evidence postage using the meter" is not obvious**

Claim 39 recites "A system for postage evidencing operable by a plurality of users, comprising: at least one postage usage meter parameter, wherein said meter parameter limits all password authenticated users' of said plurality of users ability to evidence postage using the meter" Under the broadest reasonable interpretation of the claim (MPEP § 2111),

the limitation “said meter parameter limits all **password authenticated** users’ ability to evidence postage” (emphasis added) indicates that the user’s password has already been authenticated before the meter parameter limits the user’s ability to evidence postage. As such, as shown below, Lee does not teach or make obvious the claim’s meter parameter.

The Examiner points to Lee’s requirement that a password must be entered as teaching the meter parameter. See e.g. Office Action at 33 (*stating “the user’s ability is still restricted to move forward if the user does not present this password.”*) However, the Examiner is missing the point. The claim assumes that the password has already been authenticated. Therefore, Lee’s password itself is not a meter parameter. Rather, the system of claim 39 requires an authenticated password and additionally a meter parameter. While Lee requires a password to be authenticated before a user can use the system, Lee does not teach or make obvious a meter parameter in addition to the user password. As such, Lee fails to teach “at least one postage usage meter parameter, wherein said meter parameter limits all password authenticated users’ of said plurality of users ability to evidence postage using the meter”

The Examiner also discusses Lee’s states (operational state vs. non-operational state) arguing that these states teach the limitation. Office Action at 34. However, the operational vs. non-operational state teachings of Lee, once again, merely shows that Lee requires a password to be authenticated before a user can use the system. Lee does not teach or make obvious a meter parameter in addition to the user password. As pointed out by the Examiner, Lee states that “the idle time of the vault is continuously monitored so that the vault can be placed in a non-operational state if the continuous idle time exceeds an idle time limit.” Col. 3, lns. 14-16. Lee explains the quoted passage with statements in column 6, lines 49-52, which teach that “if the vault is idle for a predetermined amount of time, the vault may log out automatically which requires the next use of the vault to be preceded by a valid user password entry.” As such, Lee’s system operates as follows: a user logs into the system by entering a password, and if their password is valid (authenticated) the user can use the system. Then, if the system is idle for too long (e.g. the user walked away forgetting to log out), then the system automatically logs the user out, and as such, the password loses its authentication. Thus, before the user can use the system again, the user must have their password authenticated again. As such, while Lee requires a password to be authenticated

before a user can use the system, Lee does not teach or make obvious a meter parameter in addition to the user password.

Furthermore, the idle time itself does not teach the meter parameter because exceeding the idle time causes the password to lose its authentication. Thus, **at the time** that the idle time feature is preventing a user from using Lee's system, that user is not a password authenticated user. There is no meter parameter in Lee which limits a user, which is **at that time**, a password authenticated user. As such, Lee does not teach "at least one postage usage meter parameter, wherein said meter parameter limits all password authenticated users' of said plurality of users ability to evidence postage using the meter"

Moreover, it would not be obvious to modify Lee such that the idle time feature limits a password authenticated user's ability to evidence postage because such a modification would render the idle time feature unsatisfactory for its intended purpose. It is well established that modifications cannot render the cited reference unsatisfactory for its intended purpose. MPEP §2143.01 (*citing* In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). As such, as shown in detail below, modifying the idle time feature such that it covers the claimed limitation "at least one postage usage meter parameter, wherein said meter parameter limits all password authenticated users' of said plurality of users ability to evidence postage using the meter" is improper because the entire purpose of Lee's idle time feature is to logout users (take away their password's authentication).

As is well known, automatic time-out features (like the one disclosed in Lee) are used to logout a user who has left the system idle for an extended period of time. It is assumed that because the user has left the system idle for so long, the user has walked away having forgotten to logout. Thus, the idle time feature automatically logs out the user (takes away their password's authentication) to prevent a different person from using the system fraudulently. Accordingly, the whole purpose of the idle time feature is to de-authenticate the user's password. Therefore, it would not be obvious to modify the idle time feature of Lee such that it operates while the user is a password authenticated user because such a modification would defeat the entire purpose of the idle time feature, thereby rendering the idle time feature unsatisfactory for its intended purpose. Accordingly, Lee does not make obvious claim 39's "at least one postage usage meter parameter, wherein said meter

parameter limits all password authenticated users' of said plurality of users ability to evidence postage using the meter”

Further, the password taught by Lee does not teach a postage usage meter parameter that **limits** all password authenticated users. Specifically, when Lee's system is in state S3 (termed the non-operations state by the Office Action), the system's user password system has been activated, but no password is currently entered (e.g. power down, log out, excessive idle time). Col. 7, lns. 10-16. If a user wishes to evidence postage, a user simply inputs a valid password and receives access to the vault according to his privilege level. Fig. 7 at 100. Thus, the password of Lee does not prevent a valid user from evidencing postage. The password merely delays users by adding an extra step. Thus, Lee's password is distinct from the claimed meter parameter, because, in Lee, the user has the ability to move forward by inputting the password. In contrast, the claimed meter parameter **limits** a user's ability to move forward. As such, Lee fails to teach “at least one postage usage meter parameter, wherein said meter parameter **limits** all password authenticated users' of said plurality of users ability to evidence postage using the meter” (emphasis added).

As a side note, the Examiner states that Lee teaches “when in a non-operational state is enforced [sic] [due to the idle time being exceeded], the password authenticated users who would normally have access, even when they try to enter in their password, are restricted to evidencing postage.” Office Action at 34. First, Applicant respectfully notes that this statement is incorrect. According to Lee, “if the vault is idle for a predetermined amount of time, the vault may log out automatically which requires the next use of the vault to be preceded by a valid user password entry.” Col. 6, lns. 49-52. As such, the Examiner's statement is incorrect, because Lee explains that if the vault is in non-operational mode due to the idle time being exceeded, the user **can** use the vault if they simply input a valid password. Second, even if the Examiner's argument were accurate (which it is not), the argument asserts that even when a user tries to enter their password, the user is unable to evidence postage. Thus, this argument is off point because if the user is trying to enter their password (as suggested by the Examiner), the user is not a password authenticated user. Because the claim's limitation only applies to password authenticated users, the Examiner's argument misses the issue.

As such, the cited reference fails to teach or make obvious the limitation “at least one postage usage meter parameter, wherein said meter parameter limits all password authenticated users’ of said plurality of users ability to evidence postage using the meter” Thus, Applicant requests the rejection be overturned.

b. The limitation “wherein said postage evidencing meter is operable to limit said particular user’s ability to evidence postage using said meter in accordance with said at least one meter parameter” is not obvious

Claim 39 also recites “wherein said postage evidencing meter is operable to limit said particular user’s ability to evidence postage using said meter in accordance with said at least one meter parameter” The Office Action fails to point to a portion of a reference as teaching the limitation. Office Action at 14. Rather the Office Action merely makes a conclusory statement that “it would be obvious to one of ordinary skill in the art at the time of the applicant’s invention to disclose at least one postage usage meter parameter, wherein said meter parameter restricts all password authenticated user’s of said plurality of users ability to evidence postage using the meter with the motivation of showing a state that will restrict a user usage of the meter.” Office Action at 14. This conclusory statement is not sufficient to support a *prima facie* case of obviousness. According to MPEP § 2141, the key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. The Examiner has failed to cite to a portion of a reference as teaching the limitation and failed to make a clear articulation as to why this limitation would be obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. This forgoing quote of the rejection shows that the Examiner has failed to make an explicit analysis regarding this limitation. In *KSR*, the Court quoted *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stating that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” MPEP 2141 (*quoting KSR*, 550 U.S. at 82 USPQ2d at 1396). The Examiner has done exactly what *KSR* holds cannot be done. The Examiner has made mere conclusory statements and has not articulated some rational underpinning to support the legal conclusion of obviousness.

Among possible rationales that may support a conclusion of obviousness are: (A) Combining prior art elements; (B) Simple substitutions; (C) Use of known technique; (D) Applying a known technique to a known device to yield predictable results; (E) "Obvious to try"; (F) Predictable variations; and (G) **Some motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.** MPEP § 2124. The rejection mentions the word "motivation," but still fails to articulate a reasoning with some rational underpinning to support the legal conclusion of obviousness. As such, the rejection is improper, and Applicant requests it be overturned.

Further, as explained above regarding claim 39, Lee fails to teach the claimed meter parameter. Thus, while the system in Lee may limit a user's ability to evidence postage based on a password, the system of Lee is *not* "operable to limit said particular user's ability to evidence postage using said meter in accordance with said at least one **meter parameter**" (emphasis added). As such, the limitation is not taught or made obvious by Lee. Thus, Applicant requests the rejection be overturned.

3. **Dependent claim 3**

a. **Claim 3 depends from an allowable claim**

Dependent claim 3 depends from independent claim 39. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)." MPEP § 2143.03. As shown above, independent claim 39 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claim 3 is likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned.

b. **Claim 3 includes additional limitations which set the claim apart from the cited reference**

For example, claim 3 requires "the user parameter comprises: a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage." The Examiner cites to column 2, line 61 of Lee and argues that the claim is taught by Lee since the user must access the meter for a certain amount of time. Office Action 2-3.

However, the Examiner's analysis is flawed. Column 2, line 61 of Lee does not teach a time limitation. Instead, Lee discloses that customized features can be "vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection repost access, and departmental accounting records." **No time limitation is taught as being a user parameter.**

Further, on page 32, the Office Action seems to rely on Lee's idle time feature as teaching the timing component of the claim; however, the idle time feature described by Lee does not teach the user parameter, as claimed, which comprises a period of time in which the particular user is allowed to evidence postage.

As described in column 3, lines 14-16 and column 6, lines 50-53, after a user logs into the system, some sort of counter tracks the amount of time the vault is idle. If the vault remains idle for too long, the vault automatically logs out the user. This is a common feature used to prevent issues caused by a user forgetting to logout before walking away, thereby preventing a different (unauthorized person) from using their user account.

However, Lee's idle time feature is not a user parameter as defined by the claim. As defined by the claim a "user parameter limits said particular user's ability to evidence postage using the meter" (see claim 39, which is the base claim of claim 3). As explained by Lee, the auto-logout does not limit a user's ability to evidence postage because once a user is auto-logged-out, the user merely re-inputs their password and is again able to evidence postage. There is no period of time wherein the user is prevented from being able to login to the vault and start evidencing postage.

This is different from the invention of claim 3 wherein the user is limited in his ability to evidence postage by "a period of time." Consider one of the example embodiments from paragraph [0023] on page 7 wherein a user is only allowed to evidence postage during certain hours on work days or only on certain days of the week. So, for example, if the time period of the user parameter was Monday - Friday, then the user would only be allowed to evidence postage on Monday - Friday. As such, in this example, if the user entered a valid password on Saturday, while the system may validate the password and allow for other operational

functions, the system would not allow the user to evidence postage. As such, the limitation required by claim 3 is quite different from the auto-logout function of Lee.

Further, the claim must be *reasonably* interpreted. MPEP §2111. It is not reasonable to interpret claim 3 so broadly that it covers the idle time feature of Lee. The claim language defines the user parameter as “corresponding to a particular user” The idle time feature of Lee does not correspond to a particular user. Rather, it is a universal feature and the auto-logout occurs **regardless of which user was using the system**. Further, the claim language defines the user parameter as “limit[ing] said particular user’s ability to evidence postage using the meter” As explained, the idle time feature of Lee does not limit a user’s ability to evidence postage because if an auto-logout occurs, the user can simply log back in. Thus, claim 3’s user parameter comprising a time period is quite different from the idle time feature taught by Lee.

c. The rejection fails to define the scope and content of the reference

Moreover, as directed by John Deer, the Examiner must “determining the scope and content of the prior art.” *Graham v. John Deere and Co.*, 383 U.S. 1 (1966). As detailed below, the Examiner’s reliance on Lee’s idle time feature as teaching both claim 3’s “meter parameter” and what claim 3’s “user parameter comprises” shows that the Examiner has not determined the scope and content of the art, thereby making the rejection improper.

Specifically, the Examiner initially asserts that Lee’s idle time feature teaches the claim’s “meter parameter” limitation, thereby defining the scope of Lee’s idle time feature as being a **meter** parameter. Office Action at 31 (*see* the rejection of base claim 39). Thereafter, the Examiner asserts that Lee’s idle time feature teaches what claim 3’s “user parameter comprises,” thereby defining the scope of Lee’s idle time feature as being a **user** parameter. The Examiner cannot have it both ways. Because the scope of the claimed meter parameter and the scope of the claimed user parameter are defined fundamentally different, the scope of Lee’s idle time feature might be relied on as teaching either the meter parameter or the user parameter—not both. As such, the Examiner’s reliance on Lee’s idle time feature as teaching claim 3’s “meter parameter” and what claim 3’s “user parameter comprises”

demonstrates that the Examiner has not properly determined the scope and content of the reference. As such, the rejection is improper.

4. Dependent claim 4

a. Claim 4 depends from an allowable claim

Dependent claim 4 depends from independent claim 39. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP § 2143.03. As shown above, independent claim 39 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claim 4 is likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned. Moreover, the claim includes limitations, which further set the claim apart from the cited reference as shown by way of example below.

b. Claim 4 includes additional limitations which set the claim apart from the cited reference

Claim 4 recites “a second user parameter of said at least one user parameter comprises a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage.” The Office Action seems to be relying on the following quotation as teaching the “period of time” limitation: “user functions/features that are customized to a user password are: vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection report access, and departmental accounting reports via a local open metering system or a networked open metering system.” Office Action at 3-4 *quoting* col. 2, lns. 59-65 of Lee. However, none of the listed functions/features include a time component. As such, **no time limitation is taught as being a user parameter.**

Further, on page 32, the Office Action seems to rely on Lee’s idle time feature as teaching a timing component; however, the idle time feature described by Lee does not teach the user parameter, as claimed, which comprises a period of time in which the particular user is allowed to evidence postage.

As described in column 3, lines 14-16 and column 6, lines 50-53, after a user logs into the system, some sort of counter tracks the amount of time the vault is idle. If the vault remains idle for too long, the vault automatically logs out the user. This is a common feature used to prevent issues caused by a user forgetting to logout before walking away, thereby preventing a different (unauthorized person) from using their user account.

However, Lee's idle time feature is not a user parameter as defined by the claim. As defined by the claim a "user parameter limits said particular user's ability to evidence postage using the meter" (see claim 39, which is the base claim of the claim). As explained by Lee, the auto-logout does not limit a user's ability to evidence postage because once a user is auto-logged-out, the user merely re-inputs their password and is again able to evidence postage. There is no period of time wherein the user is prevented from being able to login to the vault and start evidencing postage.

This is different from the invention of claim 4 wherein the user is limited in his ability to evidence postage by "a period of time." Consider one of the example embodiments from paragraph [0023] on page 7 wherein a user is only allowed to evidence postage during certain hours on work days or only on certain days of the week. So, for example, if the time period of the user parameter was Monday - Friday, then the user would only be allowed to evidence postage on Monday - Friday. As such, in this example, if the user entered a valid password on Saturday, while the system may validate the password and allow for other operational functions, the system would not allow the user to evidence postage. As such, the limitation required by the claim is quite different from the auto-logout function of Lee.

Further, the claim must be *reasonably* interpreted. MPEP §2111. It is not reasonable to interpret the claim so broadly that it reads on the idle time feature of Lee. The claim language defines the user parameter as "corresponding to a particular user" The idle time feature of Lee does not correspond to a particular user. Rather, it is a universal feature and the auto-logout occurs **regardless of which user was using the system**. Further, the claim language defines the user parameter as "limit[ing] said particular user's ability to evidence postage using the meter" As explained, the idle time feature of Lee does not limit a user's ability to evidence postage because if an auto-logout occurs, the user can simply log back in.

The reference fails to teach or make obvious the limitations of the claim. Thus, Applicant requests the rejection be overturned.

c. The rejection fails to define the scope and content of the reference

Moreover, as directed by John Deer, the Examiner must “determining the scope and content of the prior art.” *Graham v. John Deere and Co.*, 383 U.S. 1 (1966). As detailed below, the Examiner’s reliance on Lee’s idle time feature as teaching the claim’s “meter parameter” and what claim 4’s “user parameter comprises” shows that the Examiner has not determined the scope and content of the art, thereby making the rejection improper.

Specifically, the Examiner initially asserts that Lee’s idle time feature teaches the claim’s “meter parameter” limitation, thereby defining the scope of Lee’s idle time feature as being a **meter** parameter. Office Action at 31 (*see* the rejection of base claim 39). Thereafter, the Examiner asserts that Lee’s idle time feature teaches what claim 4’s “user parameter comprises,” thereby defining the scope of Lee’s idle time feature as being a **user** parameter. The Examiner cannot have it both ways. Because the scope of the claimed meter parameter and the scope of the claim’s user parameter are defined fundamentally different¹, the scope of Lee’s idle time feature might be relied on as teaching either the meter parameter **or** the user parameter —not both. As such, the Examiner’s reliance on Lee’s idle time feature as teaching what claim 3’s “user parameter comprises” demonstrates that the Examiner has not properly determined the scope and content of the reference. As such, the rejection is improper.

d. The rejection is not explicit as is required by KSR

Furthermore, the Office Action has failed to make a *prima facie* showing of obviousness. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made **explicit**. The Federal Circuit has stated that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). The Office Action has failed to meet the standards as set forth by the Courts, but instead, merely quoted text from Lee with no explanation of a motivation or reason why it would be obvious to try. Office Action at 3-4. As such, at least because the Office Action has failed to make a *prima facie* showing of obviousness, Applicant requests the rejection be overturned.

5. Dependent claim 7

a. Claim 7 depends from an allowable claim

Dependent claim 7 depends from independent claim 39. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP § 2143.03. As shown above, independent claim 39 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claim 7 is likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned.

b. Claim 7 includes additional limitations which further distinguish the claim from the reference

Claim 7 requires “an authorization database storing said at least one user parameter, wherein the authorization database is coupled to the meter via a communication link to a remote postage information system.” The Office Action cites to column 7, line 64 to column 8, line 2 of Lee as teaching an authorization database. Office Action at 5. However, these lines make no indication or suggestion that there is a communication link to a remote postage information system, wherein the remote postage information system stores the user parameter. As such, the Office Action cites to column 3, lines 62-65 of Lee as teaching this portion of the claim (“a communication link to a remote postage information system, wherein the remote postage information system stores the user parameter”). Office Action at 5. (Applicant believes the Examiner intended to cite to column 4, lines 62-65). However, column 4, lines 62-65 do not teach or suggest the limitation either. The lines merely state that the user interface module 42 of the personal computer can initiate a **remote refill** and an administrative function. Col. 4, lns. 62-65. The ability to conduct a remote refill in no way teaches or suggests that an authorization database which stores a user parameter is coupled to

the vault by a communication link to a remote postage information system. Rather, it suggests that a remote system can merely refill the postage on the vault.

As such, Lee fails to teach or make obvious the claim's limitation "an authorization database storing said at least one user parameter, wherein the authorization database is coupled to the meter via a communication link to a remote postage information system." Thus, Applicant requests the rejection be overturn.

6. Dependent claim 9

a. Examiner admits that limitations of claim 9 are not taught

Dependent claim 9 is rejected as being obvious over Lee. Office Action at 2. Dependent claim 9 depends from independent claim 41 thereby inheriting all the limitations of claim 41 including the following limitation: "wherein the database also includes at least one postage usage meter parameter" On page 27-28 (last paragraph) of the Office Action, the Examiner admits that Lee does not make this limitation obvious and relies on a reference (Liechti) as teaching the limitation. As such, the Office Action admits that Lee does not teach or suggest this quoted limitation of claim 9.

In the rejection claim 9, only Lee is relied upon. As explained, the Examiner admits that Lee does not teach claim 9's "wherein the database also includes at least one postage usage meter parameter" and relies on no other reference as curing this deficiency. Thus, the Office Action has failed to show a reference or combination thereof that teaches or suggests each and every limitation of the claim, thereby making the rejection of claim 9 improper. Thus, Applicant requests the rejection be overturned.

b. Claim 9 depends from an allowable claim

Furthermore, dependent claim 9 depends from independent claim 41. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP § 2143.03. As shown below, independent claim 41 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claim 9 is likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned.

7. Dependent claim 17

a. Claim 17 depends from an allowable claim

Dependent claim 17 depends from independent claim 15. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP § 2143.03. As shown above, independent claim 15 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claim 17 is likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned.

b. Claim 17 includes additional limitations which set the claim apart from the cited reference

Claim 17 requires “a maximum amount of postage that can be evidenced by the selected user during a selected period of time.” The Office Action cites to column 2, line 61 and states that “inherent with network meter access since the user must access the meter for a certain amount of time.” Office Action at 9. However, the cited line merely discloses “user functions/features that are customized to a user password are: vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection report access, and departmental accounting reports via a local open metering system or a networked open metering system.” Col. 2, lns. 59-65 of Lee (emphasis added). While a maximum postage amount is mentioned, the lines do not teach a maximum amount of postage that can be evidenced by the selected user during a selected period of time. The words “network meter access” do not teach or suggest a time component and the disclosure does not teach or suggest a user parameter comprises a period of time associated with maximum amount of postage can be evidenced.

Further, on page 32, the Office Action seems to rely on Lee’s idle time feature as teaching a timing component; however, the idle time feature described by Lee does not teach the user parameter, as claimed, which comprises a period of time in which the particular user is allowed to evidence postage.

As described in column 3, lines 14-16 and column 6, lines 50-53, after a user logs into the system, some sort of counter tracks the amount of time the vault is idle. If the vault

remains idle for too long, the vault automatically logs out the user. This is a common feature used to prevent issues caused by a user forgetting to logout before walking away, thereby preventing a different (unauthorized person) from using their user account.

However, Lee's idle time feature is not a user parameter as defined by the claim. As defined by the claim "user parameters define meter usage limits for a particular user associated with the user parameter" (see claim 15, which is the base claim of the claim). As explained by Lee, the auto-logout does not limit a user's ability to evidence postage because once a user is auto-logged-out, the user merely re-inputs their password and is again able to evidence postage. There is no period of time wherein the user is prevented from being able to login to the vault and start evidencing postage.

This is different from the invention of the claim wherein the user is limited in his ability to evidence postage by "a selected period of time." Consider one of the example embodiments from paragraph [0023] on page 7 wherein a user is only allowed to evidence postage during certain hours on work days or only on certain days of the week. So, for example, if the time period of the user parameter was Monday - Friday, then the user would only be allowed to evidence postage on Monday - Friday. As such, in this example, if the user entered a valid password on Saturday, while the system may validate the password and allow for other operational functions, the system would not allow the user to evidence postage. As such, the limitation required by the claim is quite different from the auto-logout function of Lee.

Further, the claim must be *reasonably* interpreted. MPEP §2111. It is not reasonable to interpret the claim so broadly that it reads on the idle time feature of Lee. The claim language defines the user parameter as "defin[ing] meter usage limits for a particular user associated with the user parameter" The idle time feature of Lee is not associated with a particular user. Rather, it is a universal feature and the auto-logout occurs **regardless of which user was using the system**. Further, the claim language defines the user parameter as "defin[ing] meter usage limits" As explained, the idle time feature of Lee does not limit a user's ability to use the meter because if an auto-logout occurs, the user can simply log back in.

As such, Lee fails to teach or suggest “a maximum amount of postage that can be evidenced by the selected user during a selected period of time.” Thus, Applicant requests the rejection be overturned.

c. The rejection fails to define the scope and content of the reference

Moreover, as directed by John Deer, the Examiner must “determining the scope and content of the prior art.” *Graham v. John Deere and Co.*, 383 U.S. 1 (1966). As detailed below, the Examiner’s reliance on Lee’s idle time feature as teaching the claim’s “meter parameter” and what claim 17’s “user parameter comprises” shows that the Examiner has not determined the scope and content of the art, thereby making the rejection improper.

Specifically, the Examiner initially asserts that Lee’s idle time feature teaches the claim’s “meter parameter” limitation, thereby defining the scope of Lee’s idle time feature as being a meter parameter. Office Action at 36 (see the last sentence of the rejection of base claim 15). Thereafter, the Examiner asserts that Lee’s idle time feature teaches what claim 17’s “user parameter comprises,” thereby defining the scope of Lee’s idle time feature as being a user parameter. Office Action at 9. The Examiner cannot have it both ways. Because the scope of the claimed meter parameter and the scope of the claim’s user parameter are defined fundamentally different, the scope of Lee’s idle time feature might be relied on as teaching either the meter parameter or the user parameter—not both. As such, the Examiner’s reliance on Lee’s idle time feature as teaching what claim 17’s “user parameter comprises” demonstrates that the Examiner has not properly determined the scope and content of the reference. As such, the rejection is improper.

d. The rejection is not explicit as is required by KSR

Furthermore, the Office Action has failed to make a *prima facie* showing of obviousness. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made **explicit**. The Federal Circuit has stated that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). The Office Action has failed to meet the standards as set forth by the Courts, but instead, merely quoted text from Lee with no explanation and no motivation. As such, at least because the Office Action has failed to make a *prima facie* showing of obviousness, Applicant requests the rejection be overturned.

8. Dependent claim 18

a. Claim 18 depends from an allowable independent claim

Dependent claim 18 depends from independent claim 15. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP § 2143.03. As shown above, independent claim 15 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claim 18 is likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned.

b. Claim 18 includes additional limitations that further set the claim apart from the reference

Claim 18 requires “a second user parameter of said at least one user parameter comprises a period of time during which the particular user is allowed to use the meter to evidence postage.” The Office Action seems to be relying on the following quotation as teaching claim 18’s period of time limitation: “user functions/features that are customized to a user password are: vault refill, network meter access, maximum postage amount, destination address limitations, diagnostic and inspection report access, and departmental accounting reports via a local open metering system or a networked open metering system.” Office Action at 10 *quoting* col. 2, lns. 59-65 of Lee. However, **none of the listed functions/features include a time component.**

Further, on page 32, the Office Action seems to rely on Lee’s idle time feature as teaching a timing component; however, the idle time feature described by Lee does not teach the user parameter, as claimed, which comprises a period of time in which the particular user is allowed to evidence postage.

As described in column 3, lines 14-16 and column 6, lines 50-53, after a user logs into the system, some sort of counter tracks the amount of time the vault is idle. If the vault remains idle for too long, the vault automatically logs out the user. This is a common feature used to prevent issues caused by a user forgetting to logout before walking away, thereby preventing a different (unauthorized person) from using their user account.

However, Lee's idle time feature is not a user parameter as defined by the claim. As defined by the claim "user parameters define meter usage limits for a particular user associated with the user parameter" (see claim 15, which is the base claim of claim 18). As explained by Lee, the auto-logout does not limit a user's ability to evidence postage because once a user is auto-logged-out, the user merely re-inputs their password and is again able to evidence postage. There is no period of time wherein the user is prevented from being able to login to the vault and start evidencing postage.

This is different from the invention of the claim wherein the user is limited in his ability to evidence postage by "a period of time." Consider one of the example embodiments from paragraph [0023] on page 7 wherein a user is only allowed to evidence postage during certain hours on work days or only on certain days of the week. So for example, in the claim, if the time period of the user parameter was Monday - Friday, then the user would only be allowed to evidence postage on Monday - Friday. As such, in this example, if the user entered a valid password on Saturday, while the system may validate the password and allow for other operational functions, the system would not allow the user to evidence postage. As such, the limitation required by the claim is quite different from the auto-logout function of Lee.

Further, the claim must be *reasonably* interpreted. MPEP §2111. It is not reasonable to interpret the claim so broadly that it reads on the idle time feature of Lee. The claim language defines the user parameter as "defin[ing] meter usage limits for a particular user associated with the user parameter" The idle time feature of Lee is not associated with a particular user. Rather, it is a universal feature and the auto-logout occurs **regardless of which user was using the system**. Further, the claim language defines the user parameter as "defin[ing] meter usage limits" As explained, the idle time feature of Lee does not limit

a user's ability to use the meter because if an auto-logout occurs, the user can simply log back in.

c. The rejection fails to define the scope and content of the reference

Moreover, as directed by John Deer, the Examiner must "determining the scope and content of the prior art." *Graham v. John Deere and Co.*, 383 U.S. 1 (1966). As detailed below, the Examiner's reliance on Lee's idle time feature as teaching claim 18's meter parameter' and what claim 18's "user parameter comprises" shows that the Examiner has not determined the scope and content of the art, thereby making the rejection improper.

Specifically, the Examiner initially asserts that Lee's idle time feature teaches the claim's "meter parameter" limitation, thereby defining the scope of Lee's idle time feature as being a meter parameter. Office Action at 36 (see the last sentence of the rejection of base claim 15). Thereafter, the Examiner asserts that Lee's idle time feature teaches what claim 18's "user parameter comprises," thereby defining the scope of Lee's idle time feature as being a user parameter. Office Action at 10. The Examiner cannot have it both ways. Because the scope of the claimed meter parameter and the scope of the claim's user parameter are defined fundamentally different, the scope of Lee's idle time feature might be relied on as teaching either the meter parameter or the user parameter—not both. As such, the Examiner's reliance on Lee's idle time feature as teaching what claim 18's "user parameter comprises" demonstrates that the Examiner has not properly determined the scope and content of the reference. As such, the rejection is improper.

d. The rejection is not explicit as is required by KSR

Furthermore, the Office Action has failed to make a *prima facie* showing of obviousness. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made **explicit**. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). The Office Action

has failed to meet the standards as set forth by the Courts, but instead, merely quoted text from Lee with no explanation of a motivation or reason why it would be obvious to try. See MPEP §2143. As such, at least because the Office Action has failed to make a *prima facie* showing of obviousness, Applicant requests the rejection be overturned.

9. Dependent claims 16 and 38

Dependent claims 16 and 38 depend from independent claim 15. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP § 2143.03. As shown above, independent claim 15 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claims 16 and 38 are likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned.

10. Dependent claims 2, 5, 6, 34, and 35

Dependent claims 2, 5, 6, 34, and 35 depend from independent claim 39. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP § 2143.03. As shown above, independent claim 15 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claims 2, 5, 6, 34, and 35 are likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned.

B. Grounds II:

Claims 10, 11, 21, 29-33, 36, 37, and 40-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al., (US 5,742,683) and further in view of Liechti et al. (US 5,715,164). Applicant traverses the rejections.

1. Independent claim 29

- a. **The limitation “said meter parameter establishes postage evidencing limits for restricting an ability of all password authenticated users of said postage meter to evidence postage” is not obvious**

Claim 29 recites “said meter parameter establishes postage evidencing limits for restricting an ability of all password authenticated users of said postage meter to evidence postage” Under the broadest reasonable interpretation of the claim (MPEP § 2111), the limitation “said meter parameter limits all **password authenticated** users’ ability to evidence postage” (emphasis added) indicates that the user’s password has already been authenticated before the meter parameter limits the user’s ability to evidence postage. As such, Lee does not teach or make obvious the claim’s meter parameter.

The Examiner points to Lee’s requirement that a password must be entered as teaching the meter parameter. See e.g. Office Action at 36 referencing page 33 *stating “the user’s ability is still restricted to move forward if the user does not present this password.”* However, the Examiner is missing the point. The claim assumes that the password has already been authenticated. Therefore, Lee’s password itself is not a meter parameter. Rather, the system of claim 29 requires an authenticated password and additionally a meter parameter. While Lee requires a password to be authenticated before a user can use the system, Lee does not teach or make obvious a meter parameter in addition to the user password. As such, Lee fails to teach “said meter parameter establishes postage evidencing limits for restricting an ability of all password authenticated users of said postage meter to evidence postage”

The Examiner also discusses Lee’s states (operational state vs. non-operational state) arguing that the states teach the limitation. Office Action at 36 referencing page 34. However, the operational vs. non-operational state teachings of Lee, once again, merely shows that Lee requires a password to be authenticated before a user can use the system. Lee does not teach or make obvious a meter parameter in addition to the user password. As pointed out by the Examiner, Lee states that “the idle time of the vault is continuously monitored so that the vault can be placed in a non-operational state if the continuous idle time exceeds an idle time limit.” Col. 3, lns. 14-16. Lee explains the quoted passage with statements in column 6, lines 49-52, which teach that “if the vault is idle for a predetermined amount of time, the vault may log out automatically which requires the next use of the vault

to be preceded by a valid user password entry.” As such, Lee’s system operates as follows, a user logs into the system by entering a password, and if their password is valid (authenticated) the user can use the system. Then, if system is idle for too long (e.g. the user walked away forgetting to log out), then the system automatically logs the user out, and as such, the password loses its authentication. Thus, before user can use the system again, the user must have their password authenticated again. As such, while Lee requires a password to be authenticated before a user can use the system, Lee does not teach or make obvious a meter parameter in addition to the user password.

Furthermore, the idle time itself does not teach the meter parameter because exceeding the idle time causes the password to lose its authentication. Thus, **at the time** the idle time feature is preventing a user from using Lee’s system, that user is not a password authenticated user. There is no meter parameter in Lee which limits a user, which is **at that time**, a password authenticated user. As such, Lee does not teach “said meter parameter establishes postage evidencing limits for restricting an ability of all password authenticated users of said postage meter to evidence postage”

Moreover, it would not be obvious to modify Lee such that the idle time feature limits a password authenticated user’s ability to evidence postage because such a modification would render the idle time feature unsatisfactory for its intended purpose. It is well established that modification cannot render the cited reference unsatisfactory for its intended purpose. MPEP §2143.01 (*citing* In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). As such, as shown in detail below, modifying the idle time feature such that it covers the claimed limitation “at least one postage usage meter parameter, wherein said meter parameter limits all password authenticated users’ of said plurality of users ability to evidence postage using the meter” is improper because the entire purpose of Lee’s idle time feature is to logout users (take away their password’s authentication).

As is well known, automatic time-out features (like the one disclosed in Lee) are used to logout a user who has left the system idle for an extended period of time. It is assumed that because the user has left the system idle for so long, the user has walked away having forgotten to logout. Thus, the idle time feature automatically logs out the user (takes away their password’s authentication) to prevent a different person from using the system

fraudulently. Accordingly, the whole purpose of the idle time feature is to de-authenticate the user's password. Therefore, it would not be obvious to modify the idle time feature of Lee such that it operates while the user is a password authenticated user because such a modification would defeat the entire purpose of the idle time feature (i.e. rendering the idle time feature unsatisfactory for its intended purpose). Accordingly, Lee does not make obvious claim 29's "said meter parameter establishes postage evidencing limits for restricting an ability of all password authenticated users of said postage meter to evidence postage"

Further, the password taught by Lee does not teach a postage usage meter parameter that **limits** all password authenticated users. Specifically, when Lee's system is in state S3 (termed the non-operations state by the Office Action), the system's user password system has been activated, but no password is currently entered (e.g. power down, log out, excessive idle time). Col. 7, lns. 10-16. If a user wishes to evidence postage, a user simply inputs a valid password and receives access to the vault according to his privilege level. Fig. 7 at 100. Thus, the password of Lee does not prevent a valid user from evidencing postage. The password merely delays users by adding an extra step. Thus, Lee's password is distinct from the claimed meter parameter, because, in Lee, the user has the ability to move forward by inputting the password. In contrast, the claimed meter parameter **limits** a user's ability to move forward. As such, Lee fails to teach "at least one postage usage meter parameter, wherein said meter parameter **limits** all password authenticated users' of said plurality of users ability to evidence postage using the meter" (emphasis added).

As a side note, the Office Action states that Lee teaches "when in a non-operational state is enforced [sic] [due to the idle time being exceeded], the password authenticated users who would normally have access, even when they try to enter in their password, are restricted to evidencing postage." Office Action at 34. First, Applicant respectfully notes that this statement is incorrect. According to Lee, "if the vault is idle for a predetermined amount of time, the vault may log out automatically which requires the next use of the vault to be preceded by a valid user password entry." Col. 6, lns. 49-52. As such, the Examiner's statement is incorrect, because Lee explains that if the vault is in non-operational mode due to the idle time being exceeded, the user can use the vault if they simply input a valid password. Second, even if the Examiner's argument were accurate (which it is not), the argument asserts that even when a user tries to enter their password, the user is unable to evidence postage.

Thus, this argument is off point because if the user is trying to enter their password (as suggested by the Examiner), the user is not a password authenticated user. Because the claim's limitation only applied to password authenticated users, the Examiner's argument misses the issue.

As such, the cited reference fails to teach or make obvious the limitation "said meter parameter establishes postage evidencing limits for restricting an ability of all password authenticated users of said postage meter to evidence postage" Thus, Applicant requests the rejection be overturned.

- b. **The limitation "(b) determining, based on at least one of said postage meter's meter parameters, if sufficient postage is available from an available postage balance of said postage meter used for evidencing postage to fulfill the request for the requesting user" is not taught.**

Claim 29 also recites "(b) determining, based on at least one of said postage meter's meter parameters, if sufficient postage is available from an available postage balance of said postage meter used for evidencing postage to fulfill the request for the requesting user" The Office Action likens the claimed meter parameters to Lee's passwords. Office Action at 19-20 and cites to column 7, lines 27-46 of Lee as teaching the required "determining" However, Lee does not teach determining whether sufficient postage is available based on a user's **password**. In Lee, the password is used to determine whether a user authorized to use the system, the password of Lee is not used to determine whether sufficient postage is available.

Moreover, while in step 120 of figure 7, Lee makes a determination as whether a **user** is authorized for a particular request (e.g. to request postage to a certain destination address), this is a **user** restriction, not a **meter** parameter. Lee does not teach a determination step which determines, based on at least one of said postage meter's **meter** parameters, if sufficient postage is available. As such, Lee fails to teach or make obvious this claim limitation.

c. The limitation “evidencing a requested postage amount ... if said (b) determining is affirmative” is not obvious

Further, claim 29 requires “evidencing a requested postage amount if said (a) determining is affirmative and **if said (b) determining is affirmative** [determining, based on at least one of said postage meter’s meter parameters, if sufficient postage is available]” (emphasis added). The Office Action relies on column 7, line 64 to column 8, line 2 and step 120 (reproduced below) as teaching the limitation. Office Action at 20. However, Lee does not teach evidencing a requested postage amount if said (b) determining is affirmative [determining, based on at least one of said postage meter’s meter parameters, if sufficient postage is available]. Rather, step 120 only checks if the **user** has permission for the transaction.

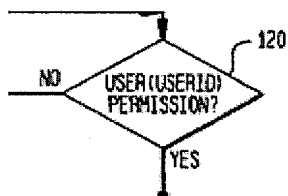


Fig. 7

Step 120 does not evidence a requested postage amount if a determination based on at least one of the **postage meter’s meter parameters** [if sufficient postage is available] is affirmative. As such, the cited portion of Lee fails to teach or make the limitation obvious.

As demonstrated above, Lee fails to teach several of the limitations of claim 29. Moreover, *Liechti* fails to cure the demonstrated deficiencies. Thus, the cited combination fails to make the claim obvious, and Applicant requests the rejection be overturned.

2. Dependent claims 30-33

a. Claim 30 depends from an allowable claim

Dependent claims 30-33 depend from independent claim 29. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP § 2143.03. As shown above, independent claim 29 is nonobvious. Thus, at least because the independent claim is

nonobvious, dependent claims 30-33 are likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned.

3. Independent claim 41

a. The limitation “at least one postage usage meter parameter, wherein the meter parameter establishes usage thresholds for all users of said plurality of users” is not obvious

Claim 41 requires “at least one postage usage meter parameter, wherein the meter parameter establishes usage thresholds for all users of said plurality of users” The Examiner cites to column 3, lines 1-20 as teaching the limitation. Office Action at 37. The Examiner argues that when Lee’s idle time exceeds an idle time limit, an automatic logout occurs, thereby teaching a meter parameter establishes usage thresholds.

However, under the broadest reasonable interpretation of the claim MPEP §2111, the limitation requires a **usage** threshold which indicates the threshold is based on use. *See for example* claim 42 which shows the use of a meter balance. Lee does not limit a user’s access when a user **uses** the system beyond a threshold. In contrast, Lee conducts a logout when a user does **not use** the system. As such, because Lee does not teach a threshold which is breached by use, Lee fails to teach “at least one postage usage meter parameter, wherein the meter parameter establishes usage thresholds for all users of said plurality of users”

1. Dependent claims 40 and 42

a. Claims 40 and 42 depend from an allowable clam

Dependent claims 40 and 42 depends from independent claim 39 and 41, respectively. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP § 2143.03. As shown above, independent claim 41 is nonobvious. Thus, at least because the independent claims 39 and 41 are nonobvious, dependent claims 40 and 42 are likewise nonobvious. Accordingly, Applicant requests the rejections of record be overturned.

b. Claims 40 and 42 include additional limitations which set the claim apart from the references

Claims 40 and 42 require “the meter parameter comprises: a meter balance.” The Examiner likens the claimed meter parameter to the idle time feature disclosed in Lee. Office Action at pages 33-34 discussing base claim 39 and page 37 discussing base claim 41. The idle time feature in Lee teaches nothing about a meter balance and therefore does not make the limitation obvious. The Examiner agreed that Lee does not teach the limitation and cites to Liechti, column 10, lines 5-45, as teaching a meter parameter comprising a meter balance. Office Action at 28. However, the cited portions of Liechti do not teach a meter parameter comprising a meter balance. Rather, the cited lines discuss the data format of a data packet. Liechti at col. 3, lns. 1-3. In the data packet is a field called “meter parameter info field” which includes twelve bytes of configuration data. Col. 10, lns. 18-19. Column 10, lines 18-45 describe exactly what information these bytes hold (e.g. language identification, display type, printer activity, etc.). **None of the bytes hold a meter parameter comprising a meter balance.**

As such, the cited portions of Lee and Liechti fail to teach or make obvious “the meter parameter comprises: a meter balance.” Thus, the combination of Lee and Liechti do not make claims 40 and 42 obvious. Applicant requests the rejections be overturned.

2. Dependent claim 21

a. Claim 21 depends from an allowable claim

Dependent claim 21 depends from independent claim 15. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP § 2143.03. As shown above, independent claim 15 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claim 21 is likewise nonobvious. Accordingly, Applicant requests the rejection of record be overturned. Moreover, the claim includes limitations, which further set the claim apart from the cited reference as shown by way of example below.

b. Claim 21 includes additional limitations that set the claim apart from the references

Claim 21 requires “said at least one meter postage usage parameter is a meter balance and wherein said communication link is used to transfer said meter balance securely between the at least two meters using cryptographic techniques.” The Office Action cites column 4, lines 38-47 of Lee as teaching the transfer of secure communication between two meters. Office Action at 16. However, the cited lines discuss a Postal Service recharging the funds of a vault. The cited portion does not teach transferring a meter balance between two meters. As such, Lee does not make the limitation obvious.

Further, the Office Action cites to column 10, lines 18-45 of Liechti as teaching a meter postage usage parameter is a meter balance.” Office Action at 17. However, the cited portions of Liechti do not teach a meter parameter comprising a meter balance. Rather, the cited lines discuss data format of a data packet. Liechti at col. 3, lns. 1-3. In the data packet is a field called “meter parameter info field” which includes twelve bytes of configuration data. Col. 10, lns. 18-19. Column 10, lines 18-45 describe exactly what information these bytes hold (e.g. language identification, display type, printer activity, etc.). **None of the bytes hold a meter parameter comprising a meter balance.**

As can be seen, neither Lee nor Liechti teach or suggest transferring a meter balance securely between two meters using a communication link. As such, the suggested combination fails to make obvious “said at least one meter postage usage parameter is a meter balance and wherein said communication link is used to transfer said meter balance securely between the at least two meters using cryptographic techniques.” Thus, Applicant requests the rejection be overturned.

1. Dependent claims 10, 11, 36, and 37

Dependent claims 10, 11, 36, and 37 depend from independent claim 41. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP § 2143.03. As shown above, independent claim 41 is nonobvious. Thus, at least because the independent claim is nonobvious, dependent claims 10, 11, 36, and 37 are likewise

nonobvious. Accordingly, Applicant requests the rejection of claims 10, 11, 36, and 37 be overturned.

C. Grounds III:

Claims 12, 13, 19, 20, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al., (US 5,742,683) and further in view of Manduley, U.S. Publication No. (US 2004/0098354). Applicant traverses the rejections.

Dependent claims 12 and 13 depend from independent claim 41. Dependent claim 19, 20, and 22 depend from independent claim 15. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” MPEP 2143.03. As shown above, independent claims 15 and 41 are nonobvious. Thus, at least because the independents claim are nonobvious, their dependent claims are likewise nonobvious. Accordingly, Applicant requests the rejections of claims 12, 13, 19, 20, and 22 be overturned.

VIII. CLAIMS APPENDIX

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

IX. EVIDENCE APPENDIX

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

X. RELATED PROCEEDINGS APPENDIX

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.

Dated: April 4, 2011

Respectfully submitted,

By 

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APPENDIX A

CLAIMS

2. The system of claim 39 wherein the user parameter comprises:
a maximum postage amount that the particular user of said plurality of users is allowed to use on the meter to evidence postage.
3. The system of claim 39 wherein the user parameter comprises:
a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage.
4. The system of claim 39 wherein a first user parameter of said at least one user parameter comprises a maximum postage amount that said particular user of said plurality of users is allowed to use on the meter to evidence postage and wherein a second user parameter of said at least one user parameter comprises a period of time during which the particular user of said plurality of users is allowed to use the meter to evidence postage.
5. The system of claim 39 further comprising:
a user interface;
a printer; and
a security module.
6. The system of claim 39 further comprising:
a removable storage device comprising an authorization database storing said at least one user parameter
wherein the authorization database is stored on a removable storage device.
7. The system of claim 39 further comprising:
an authorization database storing said at least one user parameter, wherein the authorization database is coupled to the meter via a communication link to a remote postage information system.

9. The system of claim 41 wherein the at least one user parameter comprises:
a maximum postage amount that the particular user of said plurality of users is
allowed to use on the meter to evidence postage.

10. The system of claim 41 wherein the at least one user parameter comprises:
a period of time during which the particular user of said plurality of users is allowed
to use the meter to evidence postage.

11. The system of claim 41 wherein a first user parameter of the at least one user
parameter includes:

a maximum postage amount that the particular user of said plurality of users is
allowed to use on the meter to evidence postage and wherein a second user parameter of the
at least one user parameter includes a period of time during which the particular user of said
plurality of users is allowed to use the meter to evidence postage.

12. The system of claim 41 wherein the communication link is a wireless link.

13. The system of claim 41 wherein the communication link is a wireline link.

15. A system for controlling postage usage, comprising:
at least two postage evidencing meters, each meter having a processor and a
communication module for providing a communication link between the at least two meters,
wherein each of said at least two meters store at least one postage usage meter parameter that
defines meter usage limits for restricting password authenticated users' usage of the
respective meter storing the meter parameter, and wherein at least one postage evidencing
meter of said at least two postage evidencing meters stores at least one postage usage user
parameter for each user of a plurality of users, wherein each of said user parameters define
meter usage limits for a particular user associated with the user parameter;

wherein at least one user parameter for at least one said particular user of said
plurality of users is exchanged between said meters via the communication link; and

wherein the processor of the meter receiving said user parameter controls an ability of
the particular user associated with the user parameter to evidence postage using the receiving
meter in accordance with the received user parameter and at least one of the meter parameters
stored by the receiving meter.

16. The system of claim 15 wherein the at least one user parameter comprises:
a maximum postage amount that the selected user is allowed to use on the meter to
evidence postage.

17. The system of claim 15 wherein the at least one user parameter comprises:
a maximum amount of postage that can be evidenced by the selected user during a
selected period of time.

18. The system of claim 15 wherein a first user parameter of said at least one user
parameter comprises:

a maximum postage amount that the particular user is allowed to use on the meter to
evidence postage and wherein a second user parameter of said at least one user parameter
comprises a period of time during which the particular user is allowed to use the meter to
evidence postage.

19. The system of claim 15 wherein the communication link is a wireless link.

20. The system of claim 15 wherein the communication link is a wireline link.

21. The system of claim 15 wherein said at least one meter postage usage
parameter is a meter balance and wherein said communication link is used to transfer said
meter balance securely between the at least two meters using cryptographic techniques.

22. The system of claim 15 wherein the exchange of said at least one user
parameters is bi-directional.

29. A method for controlling postage usage comprising:

separately storing at least one postage usage user parameter for each user of a plurality of users of a postage meter in a postage usage database, wherein said user parameters establish separate postage evidencing limits for each user of said plurality of users;

storing at least one postage usage meter parameter, wherein said meter parameter establishes postage evidencing limits for restricting an ability of all password authenticated users of said postage meter to evidence postage;

receiving a request to evidence postage from a user of said plurality of users;

(a) determining, based on the requesting user's user parameter, if sufficient postage is available to fulfill the request for the requesting user;

(b) determining, based on at least one of said postage meter's meter parameters, if sufficient postage is available from an available postage balance of said postage meter used for evidencing postage to fulfill the request for the requesting user;

evidencing a requested postage amount if said (a) determining is affirmative and if said (b) determining is affirmative;

recording postage usage for the requesting user in the postage usage database; and

deducting an amount of postage used to fulfill the request for the requesting user from the available postage balance.

30. The method of claim 29 further comprising:

authenticating the requesting user.

31. The method of claim 29 further comprising:

receiving a request to configure user parameters for the requesting user; and

modifying at least one of the user parameters in the postage usage database.

32. The method of claim 31 wherein the at least one user parameter is at least one of:

a maximum amount of postage that can be evidenced for the requesting user;

a time period during which the requesting user is authorized to evidence postage; and

a class of postage that the requesting user is authorized to evidence.

33. The method of claim 29 further comprising:
receiving a request to purchase postage for the requesting user; and
adding a purchased postage value to the user parameter database for the requesting user.

34. The postage evidencing meter of claim 39, wherein the at least one user parameter comprises:
at least one of time and amount.

35. The postage evidencing meter of claim 39, wherein the particular user is associated with at least two user parameters.

36. The system of claim 41, wherein the at least one user parameter comprises:
at least one of time and amount.

37. The system of claim 41, wherein the particular user is associated with at least two user parameters.

38. The system of claim 15, wherein the particular user is associated with at least two user parameters.

39. A system for postage evidencing operable by a plurality of users, comprising:
at least one postage usage meter parameter, wherein said meter parameter limits all password authenticated users' of said plurality of users ability to evidence postage using the meter;

at least one postage usage user parameter corresponding to a particular user of said plurality of users, wherein said user parameter limits said particular user's ability to evidence postage using the meter, and wherein each respective particular user of said plurality of users corresponds to a respective user parameter; and

wherein said postage evidencing meter is operable to limit said particular user's ability to evidence postage using said meter in accordance with said at least one meter parameter and said at least one user parameter.

40. The postage evidencing meter of claim 39 wherein the meter parameter comprises:

a meter balance.

41. A system for controlling postage usage, said system comprising:
a postage evidencing meter;
a postage information system communicatively coupled to said postage evidencing meter;

wherein the postage information system includes a database for separately storing at least one postage usage user parameter for a user of a plurality of users of said postage evidencing meter, wherein a particular user parameter associated with a particular user establishes usage thresholds which limit an ability of the particular user to evidence postage using the meter, and wherein each respective particular user is associated with a particular respective user parameter;

wherein the database also includes at least one postage usage meter parameter, wherein the meter parameter establishes usage thresholds for all users of said plurality of users; and

wherein said postage evidencing meter is operable to access said database through a communication module to limit the ability of said particular user of said plurality of users to evidence postage in accordance with the at least one associated particular user parameter and the at least one meter parameter.

42. The system of claim 41 wherein the meter parameter comprises:
a meter balance.

APPENDIX B

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Appellee is being submitted.

APPENDIX C

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.